

Pra titl n r's Dock t N . GENSET.030A

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**☒ In re application of: Blumenfeld et al.

Application No.: 0 9 / 326,402

Group No. Unknown

Filed: June 4, 1999

Examiner: Unknown

For: POLYMORPHIC MARKERS OF PROSTATE CARCINOMA ANITGEN-1 (PCTA-1)

☐ Patent No.*:

Issue date:

NOTE: Preferably also insert inventor's name and invention title.*Assistant Commissioner for Patents
Washington, D.C. 20231**

**PETITION TO CORRECT CORRESPONDENCE FILING DATE
FOR "DATE-IN" INCORRECTLY ENTERED OR OMITTED
ON EXPRESS MAIL LABEL
(37 C.F.R. § 1.10(d))**

1. This is a petition to accord the correspondence in the above-identified

☒ application☐ patenta filing date of 06/04/99, which is the date the correspondence was deposited
Date

with the U.S.P.S. with proper postage.

2. Submitted herewith is the statement of Daniel Hart as to
when the discrepancy was discovered and establishing that this petition is being filed
promptly thereafter. 37 C.F.R. § 1.10(d)(1).3. Attached is a true copy of the first page of the correspondence which was filed, showing
both the date on which this correspondence was mailed as Express Mail Label No.
EL327884263US and that the number of the Express Mail was placed thereon prior to
mailing. 37 C.F.R. § 1.10(d)(2).**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

MAILING☒ deposited with the United States Postal
Service with sufficient postage as first class
mail in an envelope addressed to the
Commissioner of Patents and
Trademarks, Washington, D.C. 20231.
Date: July 26, 1999**FACSIMILE**☐ transmitted by facsimile to the
Patent and Trademark Office.

Signature

Daniel Hart, Reg. No. 40,637
(type or print name of person certifying)

Petition to Accord Correspondence Filing Date For "Date-in" Incorrectly Entered or Omitted on Express Mail
Label—[8-14]—page 1 of 2

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4. Correction is required because:

- ☐ the wrong "Date-In" was entered by the U.S.P.S. on the envelope delivered to the P.T.O., but the correct date was entered on Express Mail label.
- ☐ the wrong "Date-In" was entered by the U.S.P.S. on the original "Express Mail" label and on the envelope delivered to the P.T.O.
- ☐ Deposit of correspondence at an Express Mail drop box and wrong date entered by U.S.P.S.
- ☒ Other: "Date-In" was illegible on Express Mail Label and the wrong date was entered by the P.T.O.

5. The following establish the showing required by 37 C.F.R. § 1.10(d)(3):

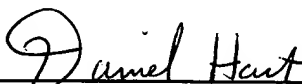
- ☐ Evidence from the U.S.P.S. as follows:
- ☐ Express Mail Log that Came into being within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the U.S.P.S.
- ☒ Other: Print-out of U.S.P.S. Express Mail Tracking & Delivery Confirmation, showing that the correspondence was picked up by the U.S.P.S. on June 4, 1999.

6. The petition fee (37 C.F.R. § 1.17(h)) is paid as follows:

- ☒ Enclosed please find a check payable to the "Commissioner of Patents" for the sum of \$130.00
- ☐ Please charge Account No. _____ the sum of \$130.00

A duplicate of this petition is enclosed.

☒ Please charge Account No. 11-1410 for any fee deficiency or credit this account for any overpayment for this petition.



Signature of Practitioner

Date: July 26, 1999

Reg. No: 40,637

Tel. No.: (619) 235-8550

Customer No.: 20,995

Daniel Hart
(type or print name of practitioner)
KNOBBE, MARTENS, OLSON & BEAR, LLP
501 W. Broadway, Suite 1400

P.O. Address
San Diego, CA 92101



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Blumenfeld et al.)	Group Art Unit Unknown
)	
Appl. No.	:	09/326,402)	I hereby certify that this correspondence and all
)	marked attachments are being deposited with
Filed	:	June 4, 1999)	the United States Postal Service as first-class
)	mail in an envelope addressed to: Assistant
For	:	POLYMORPHIC MARKERS)	Commissioner for Patents, Washington, D.C.
		OF PROSTATE CARCINOMA)	20231, on
		ANTIGEN-1 (PCTA-1))	
)	
Examiner	:	Unknown)	
)	

July 26, 1999
(Date)
Daniel Hart
Daniel Hart, Reg. No. 40,637

STATEMENT IN SUPPORT OF PETITION UNDER 37 C.F.R. §1.10(d)(1)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The present statement is provided to establish that the accompanying Petition to Correct Correspondence Filing Date for "Date In" Incorrectly Entered or Omitted on Express Mail Label is being submitted promptly after the discovery of a discrepancy between the date on which the above-identified application was deposited as Express Mail and the filing date accorded by the United States Patent and Trademark Office as a result of an illegible "Date-In" on the Express Mailing Label, a copy of which is included herewith.

The discrepancy was initially noted on June 21, 1999 when the postcard from the P.T.O. indicating receipt of the above-identified application was received. At that time the evidence which could be provided along with the Petition to correct the filing date was researched. This research indicated that under the provisions of 37 C.F.R. §1.10(d)(3) it is preferable to provide evidence from the U.S. Postal Service in support of the Petition. Since the "Date-In" section of the Express Mail Label received from the U.S. Postal Service was not legible, we awaited the receipt of a billing statement from the U.S. Postal Service indicating the date on which Express

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Filed : **June 4, 1999**

Mail Label No. EL327884263US was billed to our account to determine whether the billing statement could be used in support of the Petition. The billing statement was not received until July, 1999. The July, 1999 billing statement did not contain a charge for Express Mail Label No. EL327884263US, and thus does not resolve the discrepancy between the actual date of deposit and the filing date accorded by the P.T.O.

On July 21, 1999 we became aware that the United States Postal Service had a web site which could be used to confirm the date the package was picked up. We confirmed that the package bearing Express Mail Label No. EL327884263US was picked up on June 4, 1999 at 6:02P.M. using the U.S. Postal Service internet web site (www.usps.gov), a print-out of which is provided herewith. The present statement is being submitted shortly after this information became available to the undersigned.

Accordingly, the present statement complies with the requirements of 37 C.F.R. §1.10(d)(1).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 26, 1999

By: Daniel Hart
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